

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DONNA POPLAR,

Plaintiff,

vs.

Case No. 2:21-cv-12568-VAR-JJCG

Hon. Victoria A. Roberts

GENESEE COUNTY ROAD COMMISSION
and FRED F. PEIVANDI, in his
individual capacity,

Defendants.

DEPOSITION OF RANDALL DELLAPOSTA, taken on
Thursday, July 14, 2022, at 211 West Oakley Street, Flint,
Michigan, noticed for 12:00 P.M.

APPEARANCES:

For the Plaintiff: LEE LEGAL GROUP, PLLC
BY: CHARIS LEE, J.D. (P84127)
117 West Flint Park Boulevard
Flint, Michigan 48505
(810) 513-9257
charis@leebusinesslaw.com
and
GAFKAY LAW, PLC
BY: JULIE A. GAFKAY, J.D. (53680)
604-A South Jefferson Avenue
Saginaw, Michigan 48607
(989) 652-9240
jgafkay@gafkaylaw.com

1 APPEARANCES (CONTINUED)

2 For the Defendant: HENN LESPERANCE, PLC
3 BY: ANDREW A. CASCINI, J.D. (P76640)
32 Market Avenue, SW, Suite 400
4 Grand Rapids, Michigan 49503
616) 551-1611
5 aac@hennlesperance.com

6 Court Reporter: Cynthia Lathrop, CSR-2474

7 ALSO PRESENT:

8 Ms. Maddy Sides

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12 INDEX TO EXAMINATION

13 WITNESS: RANDALL DELLAPOSTA

14 Examination by Ms. Lee

Page 5

15
16
17
18 * * * *

<p>1 Flint, Michigan Page 3</p> <p>2 Thursday, July 14, 2022</p> <p>3 2:37 p.m.</p> <p>4 R E C O R D</p> <p>5 COURT REPORTER: Do you solemnly swear</p> <p>6 or affirm to tell the whole truth in this matter so</p> <p>7 help you God?</p> <p>8 THE WITNESS: I do.</p> <p>9 MS. LEE: Can you state your full name</p> <p>10 for the record?</p> <p>11 THE WITNESS: Randall Edward</p> <p>12 Dellaposta.</p> <p>13 MS. LEE: Do you want to spell your</p> <p>14 last name for her?</p> <p>15 THE WITNESS: D-e-l-l-a-p-o-s-t-a,</p> <p>16 Dellaposta.</p> <p>17 MS. LEE: Do you do that quite often?</p> <p>18 THE WITNESS: I do.</p> <p>19 MS. LEE: So, Mr. Dellaposta, my name</p> <p>20 is Charis Lee, and I'm one of the attorneys for Donna</p> <p>21 Poplar in this case. This is Attorney Gafkay, and</p> <p>22 she's assisting me as co-counsel in this case.</p> <p>23 So I'm going to be asking you some</p> <p>24 questions here today. Have you ever had your</p> <p>25 deposition taken before?</p>	<p>1 That's important. So it's clear that you understand Page 5</p> <p>2 my question and the record is clear.</p> <p>3 We can break at any time if you need to</p> <p>4 run to the bathroom or if you need to get some water.</p> <p>5 Just make sure that if I have a question on the floor</p> <p>6 that you go ahead and answer the question, and then</p> <p>7 you can ask for a break; okay?</p> <p>8 THE WITNESS: Okay.</p> <p>9 MS. LEE: All right. So do you have</p> <p>10 any questions for me about the deposition process?</p> <p>11 THE WITNESS: No. I should have got</p> <p>12 water before I came in here.</p> <p>13 MS. GAFKAY: I'll run and get you some.</p> <p>14 MR. CASCINI: Thank you, Julie.</p> <p>15 MS. GAFKAY: You can keep going.</p> <p>16 EXAMINATION</p> <p>17 BY MS. LEE:</p> <p>18 Q. And so I'm just going to ask you some questions. How</p> <p>19 long have you worked for the Genesee County Road</p> <p>20 Commission?</p> <p>21 A. Eighteen years.</p> <p>22 Q. All right; a long time. And what positions have you</p> <p>23 had in the last 18 years? And I know it might be a</p> <p>24 lot for you to go through, but just as best as you can</p> <p>25 remember.</p>
<p>1 THE WITNESS: I have not. Page 4</p> <p>2 MS. LEE: Okay. So we will go through</p> <p>3 some ground rules. So before we begin, I will note</p> <p>4 for the record that this deposition is being taken</p> <p>5 pursuant to the Federal Rules of Civil Procedure, and</p> <p>6 it's being taken for any and all purposes under those</p> <p>7 rules.</p> <p>8 We served a subpoena on your attorney</p> <p>9 for the Genesee County Road Commission and Mr.</p> <p>10 Peivandi, and he intercepted that on your behalf</p> <p>11 today. Are you aware that you are under subpoena here</p> <p>12 today?</p> <p>13 THE WITNESS: I am now, yes.</p> <p>14 MS. LEE: Okay. So there's a court</p> <p>15 reporter here taking down everything that we're</p> <p>16 saying; so if you can answer audibly with a yes or a</p> <p>17 no, sometimes we shake our head, and so if I ask you</p> <p>18 to respond verbally, you'll just know it's for the</p> <p>19 record; okay? Try to avoid um-hum and uh-uh; we want</p> <p>20 clear yes or no answers, okay; and if I pause, that's</p> <p>21 usually just meant to make sure that the record is</p> <p>22 clear; okay?</p> <p>23 If I ask you a question, I would like</p> <p>24 you to listen to the question fully and then make sure</p> <p>25 you understand the question before you answer; okay?</p>	<p>1 A. I started as the stockroom clerk, and then from the Page 6</p> <p>2 stockroom clerk, became the stockroom and facilities</p> <p>3 supervisor; and from that, I also became the fleet</p> <p>4 manager -- Fleet Maintenance and Facilities director;</p> <p>5 and then from the Fleet Maintenance and Facilities</p> <p>6 director, the Operations director; and now to the</p> <p>7 current capacity role I am as deputy managing</p> <p>8 director.</p> <p>9 Q. What is that, like -- is that, like, seven different</p> <p>10 positions? Did I count right that you said?</p> <p>11 A. Five.</p> <p>12 Q. Five, okay. All right. So tell us what your current</p> <p>13 position is? Let me make sure that's clear.</p> <p>14 A. So my current position here at the Genesee County Road</p> <p>15 Commission is deputy managing director.</p> <p>16 Q. And your immediately preceding position was?</p> <p>17 A. Director of Operations.</p> <p>18 Q. Okay, perfect. And your current position, was that</p> <p>19 position created for you -- or not specifically for</p> <p>20 you; was it created? Is it a new position or did you</p> <p>21 fill someone's slot?</p> <p>22 A. No; it is a new position.</p> <p>23 Q. Okay. And in that position, what are your duties in</p> <p>24 your role?</p> <p>25 A. As a deputy managing director, my role is to assist</p>

Page 7	Page 9
<p>1 the managing director, oversee the operations with 2 budget reports, road issues, things like that. 3 Q. Okay. And as a part of your position that you 4 currently hold as the deputy managing director, do you 5 have any direct reports, people who directly report to 6 you? 7 A. Yes. 8 Q. Okay. And who is that? 9 A. I have the entire Fleet Maintenance and Facilities 10 Department staff and all of the current directors. 11 Q. Okay. And just for the sake of the record, who are 12 the directors and what are the departments that they 13 direct? 14 A. So I have the -- you want me to say their name or -- 15 Q. Yes, their name and -- 16 A. I have the Finance director, Tracy Kahn; I have the 17 Maintenance director, Anthony Branch; I have the Human 18 Resource director, Donna Poplar; and I have the 19 director of Engineering, Eric Johnston; and then the 20 Fleet Maintenance Department is a large -- it's 22 21 people. 22 Q. So are you, like, the director over them as well or is 23 there someone under you that manages that department? 24 A. There is someone under me. There's a Fleet 25 Maintenance and Facilities manager --</p>	<p>1 correct? 2 A. I was director of Operations -- 3 Q. Okay. 4 A. -- correct. 5 Q. Okay. Sorry. 6 A. That's all right. Did I have anybody that reported to 7 me -- 8 Q. Correct. 9 A. -- as the director of Operations? 10 Q. Yeah. 11 A. I'm trying to think. Yes. 12 Q. Okay. And who was that? 13 A. I had -- if I'm not mistaken and memory serves me, I 14 think I had all the directors at one point in time 15 report to me prior to becoming deputy managing 16 director. 17 Q. As the -- 18 A. Director of Operations, yes. 19 Q. And was that new as well? 20 A. Director of Operations? 21 Q. No. Was it new that the directors reported to you or 22 was that always a job responsibility you held at the 23 time that you were -- became in that role? 24 A. No; it was new. 25 Q. Okay. Thank you. Currently -- well, I'll just say at</p>
Page 8	Page 10
<p>1 Q. Okay. 2 A. -- right now, but I'm over the entire department. 3 Q. Understood. You stated earlier, your testimony, that 4 the position was a new position that was created. 5 Previously have directors reported to a deputy manager 6 or someone other than the managing director, to your 7 knowledge, in the 18 years that you've been here? 8 A. Can you repeat that again because -- 9 Q. So for the 18 years that you have been here -- 10 A. Yeah. 11 Q. -- have directors reported to the managing director or 12 was this something new -- your role is new, but prior 13 to your role, the directors always reported to the 14 managing director? 15 A. That is correct. 16 Q. Okay. When did you start your new role? 17 A. February. 18 Q. Of? 19 A. Of 2022. 20 Q. Okay. So it's fairly new? 21 A. Yes. 22 Q. All right. And prior to you being in this new role 23 where the directors have reported to you, did you have 24 any direct reports prior to your new role, so this 25 would've been when you were Operations manager;</p>	<p>1 any time or point in your experience, have you been 2 over HR, Human Resources? 3 A. Currently or anytime -- 4 Q. I can rephrase. 5 Do you have any experience or 6 background in human resources? 7 A. No. 8 Q. Okay. And currently you supervise the director of 9 Human Resources? 10 A. Correct, yes. 11 Q. And how do you assist the director of Human Resources 12 in performing her job or in -- or as a manager, do you 13 review things with her, do you assign her tasks? 14 A. I review things with all directors -- 15 Q. Okay. 16 A. -- and I also review things -- or assign them tasks 17 during our staff meetings, yes. 18 Q. And so tell me some types of tasks that you have 19 assigned the director of HR. 20 A. Well, one particular task right now is looking at 21 specific things in regards to healthcare, as well as 22 HRIS, things like that, been very vocal with the HRIS 23 of late, which we just implemented; but various 24 different things, such as the employee -- the Safety 25 Committee, the employee -- employee of the year and</p>

<p style="text-align: right;">Page 11</p> <p>1 things like that.</p> <p>2 Q. In those tasks that you have assigned Ms. Poplar, the</p> <p>3 director of HR, has she performed those tasks</p> <p>4 satisfactory?</p> <p>5 A. Yeah.</p> <p>6 Q. Okay. So you've never had any written correspondence</p> <p>7 to her that she has not performed a task or that she</p> <p>8 has not performed the task satisfactory?</p> <p>9 A. We've had correspondence back and forth in regards to</p> <p>10 maybe a disagreement on the task; but in regard to the</p> <p>11 question, she has performed the task.</p> <p>12 Q. So was it a disagreement or clarification on the task?</p> <p>13 A. Both.</p> <p>14 Q. Okay. Why don't you tell me about that.</p> <p>15 A. Well, in particular, I've asked for specific things to</p> <p>16 be brought to my attention prior to release or</p> <p>17 something along those lines, and in the past, it</p> <p>18 hasn't necessarily gone that direction. So we would</p> <p>19 have discussion on it, whether it was in my office</p> <p>20 verbally or via e-mail.</p> <p>21 Q. So there would be maybe written e-mails or</p> <p>22 correspondence and you asking Ms. Poplar to perform a</p> <p>23 certain task, and then -- and bring it to you for</p> <p>24 review?</p> <p>25 A. Um-hum.</p>	<p style="text-align: right;">Page 13</p> <p>1 this before, like, a committee meeting; like, before</p> <p>2 you met, maybe you saw something you didn't receive</p> <p>3 before?</p> <p>4 A. That is correct.</p> <p>5 Q. Okay. And this was for diversity committee meeting?</p> <p>6 A. Correct.</p> <p>7 Q. I'm going to switch my interview here and just ask you</p> <p>8 about your working relationship with Ms. Poplar. How</p> <p>9 is that?</p> <p>10 A. Good.</p> <p>11 Q. So notwithstanding maybe the last thing, allegedly not</p> <p>12 providing you information, you have a good working</p> <p>13 relationship?</p> <p>14 A. I would like to believe I have a good working</p> <p>15 relationship with all my directors, as I think when</p> <p>16 you're in business, there are some frustrations and</p> <p>17 growing pains; but, yeah, it's good.</p> <p>18 Q. Have you ever known or would characterize Ms. Poplar</p> <p>19 to be racist or biased?</p> <p>20 A. No.</p> <p>21 Q. Are you aware of any time where other employees have</p> <p>22 maybe filed a formal complaint or filed a complaint</p> <p>23 against Ms. Poplar for the way that she's treated</p> <p>24 them?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 12</p> <p>1 Q. And then she has not done that?</p> <p>2 A. Yes.</p> <p>3 Q. And can you think of the specific time or a specific</p> <p>4 time or multiple specific times where this has</p> <p>5 happened?</p> <p>6 A. Just recently with a committee that we established</p> <p>7 where I'd asked to review all documentation before</p> <p>8 being disbursed, and I did not have the documentation</p> <p>9 before me.</p> <p>10 Q. And what was the committee about or the documentation?</p> <p>11 What was the situation?</p> <p>12 A. It was for the Diversity, Equity, Inclusion Committee.</p> <p>13 Q. And do you remember specifically what it was that she</p> <p>14 did not provide to you?</p> <p>15 A. All of the handouts.</p> <p>16 Q. Okay.</p> <p>17 A. So I reviewed a few of the handouts that she provided</p> <p>18 to the committee, but I did not review all of the</p> <p>19 handouts.</p> <p>20 Q. Can you remember any example of what -- what maybe you</p> <p>21 seen later, at a later time, that was not provided to</p> <p>22 you before?</p> <p>23 A. Not off the top of my head, no.</p> <p>24 Q. You stated earlier you did discuss this not being</p> <p>25 provided these particular materials beforehand. Was</p>	<p style="text-align: right;">Page 14</p> <p>1 Q. So at any time during -- and you stated earlier you've</p> <p>2 been here 18 years. So that means that you've worked</p> <p>3 with Ms. Poplar for her entire tenure; correct?</p> <p>4 A. (Nodding head affirmatively).</p> <p>5 Q. At any time do you recall Ms. Poplar telling you,</p> <p>6 during her career, that she felt that she's being</p> <p>7 treated differently by Mr. Peivandi, the current</p> <p>8 managing director?</p> <p>9 A. Yes.</p> <p>10 Q. And can you tell me about that?</p> <p>11 A. I believe that she has mentioned to me that she felt</p> <p>12 the managing director was unfair and, in her opinion,</p> <p>13 mistreating her.</p> <p>14 Q. Have you ever -- or do you recall speaking with any</p> <p>15 other director that has worked here during your tenure</p> <p>16 about Ms. Poplar or any other director being treated</p> <p>17 unfairly?</p> <p>18 A. Have I spoken with any other director --</p> <p>19 Q. Do you recall any conversations where you have spoken</p> <p>20 with any other director or any other employee about</p> <p>21 how Anthony Branch or Donna Poplar have been treated</p> <p>22 at this organization?</p> <p>23 A. Not that I recall, no.</p> <p>24 Q. Okay. Have you ever had or do you recall any personal</p> <p>25 conversation that you may have had with Ms. Poplar,</p>

Page 15	Page 17
<p>1 just regarding life or any sort of banter back and 2 forth with you all maybe where you might have shared 3 personal information? 4 A. Of course, yes. 5 Q. So you felt comfortable with Ms. Poplar to maybe have 6 conversations with her regarding your own personal 7 information or -- yeah, I'll just say regarding your 8 own personal information? 9 A. Yeah. 10 Q. Okay. Do you recall what any of those matters might 11 have been about? And you don't have to go into 12 detail. I'm just asking generally. 13 A. I think it was two colleagues having a conversation, 14 regardless of maybe not at work, but more of an open 15 discussion; it could've been religion, it could've 16 been something else associated with it, yeah. 17 Q. Do you recall ever asking Ms. Poplar why she wasn't in 18 attendance in certain staff meetings that maybe dealt 19 with personnel or the HR Department as a whole? 20 A. Can you repeat that again? 21 Q. Do you recall Ms. Poplar -- ever asking Ms. Poplar why 22 she wasn't in attendance of a meeting that maybe has 23 dealt with HR? 24 A. Possibly. 25 Q. Do you or did you ever have concerns about how any of</p>	<p>1 Q. So according to you and in your opinion, Donna Poplar 2 has not been mistreated by Fred Peivandi at the Road 3 Commission? 4 A. No. 5 Q. And what about Anthony Branch? 6 A. No. 7 Q. Okay. So I want to talk about now, you stated earlier 8 that Donna reports to you as director of HR; right? 9 A. (Nodding head affirmatively). 10 Q. So when did this change happen, from her reporting to 11 the managing director to now reporting to you? 12 A. If I'm not mistaken, I believe it transpired when she 13 returned from her paid administrative leave. 14 Q. Okay. So that would've been sometime in November, 15 correct, November of 2021? You can't remember? 16 A. I'm . . . 17 Q. I'm going to show you what has been previously marked 18 as exhibit, I believe this is 19. 19 MR. CASCINI: That one is 19; yes, 20 that's correct. 21 Q. (BY MS. LEE) So this is the Notice of Administrative 22 Leave that Ms. Poplar received, and it's dated 23 September 6, 2021. So I believe it was instituted on 24 September 7. So it would've been when she returned 25 from this particular leave; correct?</p>
Page 16	Page 18
<p>1 your colleagues were being treated by the managing 2 director? Has there ever been a time where you have 3 maybe perceived unfair behavior or commented on 4 situations with Ms. Poplar or Mr. Branch? 5 MR. CASCINI: I'm going to object on 6 the basis of compound question. Are we striking the 7 first question and going with the second one? 8 MS. LEE: I can repeat. Let me just do 9 one question at a time. 10 Q. (BY MS. LEE) So have you ever perceived or felt that 11 Ms. Poplar was being mistreated by Mr. Peivandi? 12 A. No, not necessarily. I may have had a discussion in 13 regards to the dislike of what -- what we were 14 experiencing as directors and the accountability or 15 something along those lines; but no. 16 Q. Why don't you tell me about that. 17 A. I think as directors, we all get -- you know, workloads 18 can pile up; and so discussion would move on as to, 19 are we able to get this work done, where is it going, 20 so on and so forth. 21 And I can say early in my career as a 22 director, there were a lot of changes from, you know, 23 the staffing levels, and it was more of a water cooler 24 talk, more or less, to say, hey, how are we going to 25 get this done, and so on and so forth.</p>	<p>1 A. Um-hum. 2 Q. Okay, thank you. And were you present when Ms. Poplar 3 was placed on leave or given a notice of leave? 4 A. I was. 5 Q. Okay. Can you tell me what happened in that 6 particular meeting? 7 A. I believe I was a witness. The managing director 8 read -- read it, and that was it. I was just a 9 witness. 10 Q. Okay. And at the time that you were there, were you 11 her -- you were not her manager; you were her 12 counterpart? 13 A. Um-hum. 14 Q. And so to your understanding -- 15 MS. GAFKAY: Is that a "yes"? 16 MR. CASCINI: Good point. 17 THE WITNESS: Yes. 18 MS. LEE: Thanks for catching that. 19 Q. (BY MS. LEE) So to your understanding, what was the 20 notice of administrative leave she received? 21 A. I have no idea. I was not involved in that, per se. 22 Q. Okay. So you had no involvement whatsoever -- 23 A. No. 24 Q. -- so you weren't aware that it was going to be issued 25 until someone came and got you and said let's issue</p>

<p style="text-align: right;">Page 19</p> <p>1 this?</p> <p>2 A. Yeah.</p> <p>3 Q. Okay. And so after -- you stated earlier that after</p> <p>4 Ms. Poplar returned to work, she began to report to</p> <p>5 you; correct?</p> <p>6 A. Yes.</p> <p>7 Q. At that time did any other directors report to you?</p> <p>8 A. My memory is, I -- I want to say yes, because my first</p> <p>9 staff meeting was in December with all directors. So</p> <p>10 whether it was within that time frame or shortly</p> <p>11 after, all directors reported to me.</p> <p>12 Q. But prior to going on administrative leave, she</p> <p>13 reported to Mr. Peivandi; correct?</p> <p>14 A. That is correct.</p> <p>15 Q. And when she returned, she reported to you; correct?</p> <p>16 A. That is correct.</p> <p>17 Q. Okay. And then when Ms. Poplar returned to work, was</p> <p>18 there ever any issue of -- okay. Well, when she</p> <p>19 returned to work, did you have a conversation with her</p> <p>20 as her now being your direct report?</p> <p>21 A. I believe probably.</p> <p>22 Q. Okay. Did she raise any concerns to you about her</p> <p>23 working conditions?</p> <p>24 A. No, I don't think she had an issue working under me,</p> <p>25 is what we discussed.</p>	<p style="text-align: right;">Page 21</p> <p>1 dimming lights, providing tools and resources.</p> <p>2 Q. And did you ever provide any other source of</p> <p>3 accommodations? Did you ever make edits to her office</p> <p>4 space regarding any accommodations that she was going</p> <p>5 to receive?</p> <p>6 A. If you're talking about reducing light and things like</p> <p>7 that, yes.</p> <p>8 Q. Was there a space created for a HR administrative</p> <p>9 assistant in her office?</p> <p>10 A. Adjacent to her office, yes.</p> <p>11 Q. Okay. And by whose direction was that space made</p> <p>12 available?</p> <p>13 A. I believe it was in conjunction with the managing</p> <p>14 director, the Board, and the HR.</p> <p>15 Q. And at the time, who was the managing director?</p> <p>16 A. Um . . .</p> <p>17 Q. If it helps, Ms. Poplar was employed in 2016. So it</p> <p>18 would've been -- that's when she came on board.</p> <p>19 A. Right. I just don't remember when the space was</p> <p>20 created. So I can't recall whether that was -- which</p> <p>21 managing director.</p> <p>22 Q. Okay. And so were you ever aware of any dispute</p> <p>23 between Mr. Peivandi and the Board or Ms. Poplar</p> <p>24 regarding the HR administrative assistant back in</p> <p>25 2019?</p>
<p style="text-align: right;">Page 20</p> <p>1 Q. Okay. So during this time, from when she started to</p> <p>2 report to you up until the present, has Ms. Poplar</p> <p>3 ever requested of you any accommodations regarding her</p> <p>4 position?</p> <p>5 A. Um-hum; she has, yes.</p> <p>6 Q. And so before we get into that request, I want to ask</p> <p>7 you, do you know that, by law, the Road Commission is</p> <p>8 required to provide her a reasonable accommodation for</p> <p>9 her disability?</p> <p>10 A. Yes.</p> <p>11 Q. And are you aware of Ms. Poplar's disability?</p> <p>12 A. Yes, I believe it's vision.</p> <p>13 Q. Okay. And when did you become aware of her</p> <p>14 disability?</p> <p>15 A. I don't know exactly, but it was the -- shortly after</p> <p>16 her employment, I believe.</p> <p>17 Q. So shortly after her employment, you become aware of</p> <p>18 her vision disability, and how do you become aware of</p> <p>19 that? Because at this time, she would not have been</p> <p>20 reporting to you; she would have been reporting to</p> <p>21 either Fred Peivandi or the previous managing</p> <p>22 director, John Daly; correct?</p> <p>23 A. Yes, I was aware of it because she had reached out to</p> <p>24 me as the Fleet Maintenance and Facilities director to</p> <p>25 make an accommodation, such as removing light bulbs,</p>	<p style="text-align: right;">Page 22</p> <p>1 A. I think all directors were aware of that based on --</p> <p>2 Q. How were you aware of it?</p> <p>3 A. Present at Board meetings.</p> <p>4 Q. So this was something that was openly discussed in</p> <p>5 Board meetings?</p> <p>6 A. Yes.</p> <p>7 Q. And so to your knowledge, what was the conversation</p> <p>8 about? What was discussed in the Board meeting?</p> <p>9 A. From my recognition (sic) was primarily the request</p> <p>10 for administrative assistant, Board evaluated; I</p> <p>11 believe the Board at that time, based on documentation</p> <p>12 and request from HR director at the time, proceeded</p> <p>13 with a part-time administrative assistant that went on</p> <p>14 to a full-time position.</p> <p>15 Q. Okay. So when the HR Department began to report to</p> <p>16 you -- or when Donna began to report to you as HR</p> <p>17 director, there was a full-time HR administrative</p> <p>18 assistant in that office?</p> <p>19 A. (No response).</p> <p>20 Q. So prior to Donna going on administrative leave, she</p> <p>21 had a senior's benefits coordinator and a HR -- full</p> <p>22 time HR administrative assistant prior to her going on</p> <p>23 leave. And you stated that when she returned two</p> <p>24 weeks later, she reported to you.</p> <p>25 A. Yeah, she did report to me. The timing, though, is</p>

<p style="text-align: right;">Page 23</p> <p>1 because the senior benefits coordinator retired --</p> <p>2 Q. Okay.</p> <p>3 A. -- and so I'm trying to recall when that transpired</p> <p>4 and was Director Poplar off or not off on paid</p> <p>5 administrative leave, and I can't recall.</p> <p>6 Q. Okay, that's fine. So I'll go back to my previous</p> <p>7 question -- or previous question I was going to ask.</p> <p>8 So I do want to clarify because I know we just were</p> <p>9 going back and forth here.</p> <p>10 There was -- the Board approved a</p> <p>11 part-time administrative assistant to assist Donna, or</p> <p>12 assist in the HR Department to assist Donna; correct?</p> <p>13 A. Correct.</p> <p>14 Q. And then later that position transitioned to a</p> <p>15 full-time position; correct?</p> <p>16 A. Yes.</p> <p>17 Q. And you were aware, based on being in Board meetings,</p> <p>18 that the functions of that particular HR</p> <p>19 administrative assistant was to help Donna with her</p> <p>20 disability and with her vision disability; correct?</p> <p>21 A. Yes. And I believe that when we talked about the</p> <p>22 Board's decision, it was both agreed upon by the Board</p> <p>23 and the managing director to provide that for a part-</p> <p>24 time position, correct.</p> <p>25 Q. All right. Thank you. So help me understand why now</p>	<p style="text-align: right;">Page 25</p> <p>1 Q. And then she is now also expected to fulfill her</p> <p>2 previous full-time duties in a senior role?</p> <p>3 A. Full-time duties as --</p> <p>4 Q. So she -- and let's put a name to this. Who is the --</p> <p>5 who is the benefits coordinator at this point now?</p> <p>6 A. Monica Pearson.</p> <p>7 Q. And Ms. Pearson previously held the HR administrative</p> <p>8 assistant position; correct?</p> <p>9 A. That is correct.</p> <p>10 Q. And are you telling me, is it your testimony today</p> <p>11 that she is supposed to fulfill the duties of two</p> <p>12 full-time positions?</p> <p>13 A. Her job description calls out for her to assist the</p> <p>14 director of Human Resources, as well as the benefits</p> <p>15 coordinator.</p> <p>16 Q. And so have you discussed -- okay. So her -- there</p> <p>17 was a new -- was there a new job description crafted</p> <p>18 for the senior benefits position?</p> <p>19 A. The senior benefits position wasn't --</p> <p>20 Q. For the benefits position?</p> <p>21 A. For the benefits position, yes, because there was no</p> <p>22 longer a senior benefits coordinator; it was now</p> <p>23 benefits coordinator.</p> <p>24 Q. Okay. And so did this have to be approved by the</p> <p>25 Board?</p>
<p style="text-align: right;">Page 24</p> <p>1 Ms. Poplar, knowing that she has a vision disability</p> <p>2 and that she needed assistance from the HR</p> <p>3 administrative assistant to help her with reading and</p> <p>4 other vision accommodations, that she does not have</p> <p>5 one currently?</p> <p>6 A. She does.</p> <p>7 Q. Okay. And so how does she have that now?</p> <p>8 A. She has that with the benefits coordinator.</p> <p>9 Q. Okay. So is the benefit coordinator position -- that</p> <p>10 was a full-time position when there also was a</p> <p>11 full-time HR administrative assistant. Is the benefit</p> <p>12 coordinator now a part-time position?</p> <p>13 A. No.</p> <p>14 Q. No, okay. So the benefits position -- let's go back</p> <p>15 because you told me about a retirement. So previously</p> <p>16 there was a senior benefits coordinator, Cherry Grant;</p> <p>17 correct?</p> <p>18 A. Correct.</p> <p>19 Q. And do you know how long she worked here?</p> <p>20 A. Twenty-five plus years.</p> <p>21 Q. And so the previous -- so now she retired; correct?</p> <p>22 A. Um-hum.</p> <p>23 Q. And then the HR administrative assistant steps into</p> <p>24 what was a senior role; correct?</p> <p>25 A. That is correct.</p>	<p style="text-align: right;">Page 26</p> <p>1 A. No.</p> <p>2 Q. Did anyone ever tell the Board that they were removing</p> <p>3 the HR administrative assistant position that the</p> <p>4 Board created to assist Donna with her vision</p> <p>5 accommodation?</p> <p>6 A. I don't recall, no.</p> <p>7 Q. Okay. Is Ms. Pearson aware that she is supposed to</p> <p>8 fulfill the benefits position and her previous duties</p> <p>9 in the HR administrative position?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And you had a conversation with her about that?</p> <p>12 A. I did.</p> <p>13 Q. Okay. And how did she respond?</p> <p>14 A. She accepted.</p> <p>15 Q. Okay. And when you say accepted, she said that I am</p> <p>16 able to perform both functions of what I did</p> <p>17 previously in helping with accommodations and also the</p> <p>18 benefits role?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. And did you discuss or have a conversation with</p> <p>21 Ms. Poplar about this?</p> <p>22 A. I believe there was discussion upon her return because</p> <p>23 she had requested to have the administrative</p> <p>24 assistant. So I believe at that point, I had a</p> <p>25 conversation with Ms. Poplar indicating that the</p>

<p style="text-align: right;">Page 27</p> <p>1 benefits coordinator would be assisting her.</p> <p>2 Q. So the vision accommodation was for Ms. Poplar;</p> <p>3 correct?</p> <p>4 A. Correct.</p> <p>5 Q. And the Board approved a HR administrative assistant</p> <p>6 for Ms. Poplar for her vision accommodation?</p> <p>7 A. Yes.</p> <p>8 Q. Did the Board decide to remove that accommodation?</p> <p>9 A. I don't believe it's removed at all.</p> <p>10 Q. Well, did the Board decide to remove that position,</p> <p>11 the HR administrative assistant position?</p> <p>12 A. No, because it's still there.</p> <p>13 Q. Okay. Why is it still there?</p> <p>14 A. It's not been removed.</p> <p>15 Q. So why is it not being filled?</p> <p>16 A. Because at this present time, we have the benefit</p> <p>17 coordinator assisting the director.</p> <p>18 Q. So you -- did you make a decision not to fill the</p> <p>19 position?</p> <p>20 A. Me personally?</p> <p>21 Q. Yes.</p> <p>22 A. No.</p> <p>23 Q. Who made the decision not to fill the position?</p> <p>24 A. The managing director.</p> <p>25 Q. And whose name is?</p>	<p style="text-align: right;">Page 29</p> <p>1 Q. So the benefits coordinator reports to the HR</p> <p>2 director; correct?</p> <p>3 A. That is correct.</p> <p>4 Q. And the HR director reports to you?</p> <p>5 A. That is correct.</p> <p>6 Q. And so you've been made aware that the person who</p> <p>7 needs the accommodation is saying that the</p> <p>8 accommodation is not sufficient; correct?</p> <p>9 A. And I asked in response, "What can we do?"</p> <p>10 Q. Okay. And did Ms. Poplar respond?</p> <p>11 A. She did, and that was for an administrative assistant.</p> <p>12 Q. And how did you respond?</p> <p>13 A. I said, at this time, we'll evaluate it, or along</p> <p>14 those lines.</p> <p>15 Q. Okay. And so the position is budgeted, and it has not</p> <p>16 been filled.</p> <p>17 Previously, have there been any other</p> <p>18 resignations in the GCRC?</p> <p>19 MR. CASCINI: Objection as to form;</p> <p>20 resignations?</p> <p>21 MS. LEE: Yeah, resignations or</p> <p>22 retirements -- sorry, retirements.</p> <p>23 THE WITNESS: Yeah.</p> <p>24 Q. (BY MS. LEE) Okay. Tell me who's retired recently?</p> <p>25 A. The -- a couple equipment operators; do you want their</p>
<p style="text-align: right;">Page 28</p> <p>1 A. Fred Peivandi.</p> <p>2 Q. And did he share with you why he made the decision not</p> <p>3 to fill the position?</p> <p>4 A. No.</p> <p>5 Q. Did Donna ever -- did Ms. Poplar, the HR director, did</p> <p>6 she ever discuss with you that Ms. Pearson, the -- she</p> <p>7 was not able to give her adequate assistance?</p> <p>8 A. Just recently she has, but Ms. Pearson has not told me</p> <p>9 that.</p> <p>10 Q. How did you respond to Ms. Poplar's concern that she</p> <p>11 hasn't -- that she's not being accommodated as she was</p> <p>12 prior to her administrative leave?</p> <p>13 A. I received them and expressed what needed to be done.</p> <p>14 Q. Okay. And what was that expression, as you say? You</p> <p>15 said you expressed what needed to be done.</p> <p>16 A. "As in regards to the benefits coordinator assisting</p> <p>17 you, is there an issue? Is there something the</p> <p>18 benefits coordinator is unable to do?" Things like</p> <p>19 that.</p> <p>20 And I believe at that time is when she</p> <p>21 expressed her statement in stating that, you've got a</p> <p>22 benefits coordinator that's doing this and doing that,</p> <p>23 and that was the extent of it; but I've not had the</p> <p>24 benefits coordinator come to me, per se, to tell me</p> <p>25 that she's unable to perform both duties.</p>	<p style="text-align: right;">Page 30</p> <p>1 names or --</p> <p>2 Q. No. I'll make it more specific. Have you had any</p> <p>3 administrative assistants retire recently? How about</p> <p>4 the Engineering administrative assistant?</p> <p>5 A. Oh, yeah, sorry. I don't think of recent as --</p> <p>6 Q. That's okay.</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Who was that?</p> <p>9 A. Vicki Bechakes.</p> <p>10 Q. And was her position replaced?</p> <p>11 A. Yes.</p> <p>12 Q. And so how many administrative assistants do you have</p> <p>13 currently -- well, I'll just ask you this, are there</p> <p>14 any other directors who have administrative assistants?</p> <p>15 A. Yes.</p> <p>16 Q. Who?</p> <p>17 A. The Maintenance director, the Engineering director and</p> <p>18 the managing director.</p> <p>19 Q. Okay. The Finance director, does she have one?</p> <p>20 A. No, she doesn't have anyone to assist her anymore, nor</p> <p>21 do I. I used to have an assistant, and I don't,</p> <p>22 either.</p> <p>23 Q. Okay. All right. So you used to have an assistant as</p> <p>24 the deputy --</p> <p>25 A. Fleet Maintenance and Facilities.</p>

<p style="text-align: right;">Page 31</p> <p>1 Q. Fleet Maintenance. And then the Finance used to have</p> <p>2 an administrative assistant. And were either of those</p> <p>3 administrative assistants for disability</p> <p>4 accommodation, for you or for --</p> <p>5 A. No, not that I'm aware of, no.</p> <p>6 Q. But the HR administrative assistant for HR, she was</p> <p>7 specifically put there and crafted there for</p> <p>8 disability accommodation?</p> <p>9 A. I believe so, yes.</p> <p>10 MS. LEE: We can take a quick five-</p> <p>11 minute break; okay?</p> <p>12 MR. CASCINI: Sure.</p> <p>13 (Recess taken.)</p> <p>14 MS. LEE: I just have a few more</p> <p>15 questions for you; it won't be too long here, Mr.</p> <p>16 Dellaposta.</p> <p>17 Q. (BY MS. LEE) I'd like to talk about your current</p> <p>18 position that you have now. I know you told me</p> <p>19 earlier that you've had five different ones. In your</p> <p>20 current position as the deputy managing director, did</p> <p>21 you apply for that position?</p> <p>22 A. No.</p> <p>23 Q. Were you interviewed for it?</p> <p>24 A. No.</p> <p>25 Q. Okay. So how did you become to be the deputy managing</p>	<p style="text-align: right;">Page 33</p> <p>1 Board meetings, were there ever any statements made in</p> <p>2 opposition to the title change or concerns about the</p> <p>3 title change?</p> <p>4 A. I believe there was adamant discussion at the Board</p> <p>5 meetings in regards to the title change; however, if</p> <p>6 I'm not mistaken, the HR director spoke on behalf to</p> <p>7 say, again, as I state, the director of Operations has</p> <p>8 always been number two, regardless of deputy managing</p> <p>9 director or director of Operations title, it's just a</p> <p>10 title; but, yes, there was extensive conversation</p> <p>11 throughout Board meetings.</p> <p>12 Q. But you don't recall in any of these conversations</p> <p>13 anyone having a concern about the position not being</p> <p>14 placed for any -- for people to apply or to interview?</p> <p>15 A. Not that I recall, no.</p> <p>16 Q. Were other directors given the opportunity to -- so</p> <p>17 you said -- was anyone else or was it ever discussed</p> <p>18 to maybe offer this position or title change to other</p> <p>19 directors?</p> <p>20 A. Again, not that I recall.</p> <p>21 Q. I'm going to switch a little bit here to a different</p> <p>22 line of questioning. Do you have any knowledge or do</p> <p>23 you recall anyone else being placed, while you've been</p> <p>24 here in your tenure, on administrative leave?</p> <p>25 A. Can you define administrative leave?</p>
<p style="text-align: right;">Page 32</p> <p>1 direct?</p> <p>2 A. As a director of Operations, it was portrayed as the</p> <p>3 director of Operations was the number two person</p> <p>4 within the organization without the title of deputy</p> <p>5 managing director.</p> <p>6 Q. And so how did the title change come about?</p> <p>7 A. It came about through, I think, a board meeting, if</p> <p>8 I'm not mistaken.</p> <p>9 Q. So was there ever any concern placed regarding -- or</p> <p>10 stated regarding maybe the fact that there were no</p> <p>11 interviews or the job not being posted that it can be</p> <p>12 a discriminatory practice?</p> <p>13 A. No.</p> <p>14 Q. Okay. Did the Board ever discuss having interviews or</p> <p>15 discuss the possibility of holding interviews for the</p> <p>16 position?</p> <p>17 MR. CASCINI: Objection as to</p> <p>18 foundation. I don't know how we can know whether</p> <p>19 Randy would know that.</p> <p>20 MS. LEE: Okay.</p> <p>21 Q. (BY MS. LEE) So earlier you stated that this came</p> <p>22 about in the Board meeting, right, or the title</p> <p>23 change? I'm assuming you were at that Board meeting.</p> <p>24 A. Correct.</p> <p>25 Q. And so in that Board meeting or in any subsequent</p>	<p style="text-align: right;">Page 34</p> <p>1 Q. Still working here but being out.</p> <p>2 A. Being paid?</p> <p>3 Q. Yeah -- I mean, it can be paid or unpaid.</p> <p>4 A. Yes.</p> <p>5 Q. Okay. So who was that, if you remember a name?</p> <p>6 A. John Bennett.</p> <p>7 Q. Is that -- John is his first name? Is it John or Bob?</p> <p>8 A. No, it's John.</p> <p>9 Q. John, okay. And to your knowledge and recollection,</p> <p>10 he was placed on administrative leave?</p> <p>11 A. Correct.</p> <p>12 Q. Was it during the time of this current managing</p> <p>13 director or the previous managing director, do you</p> <p>14 know?</p> <p>15 A. That would've been the previous managing director.</p> <p>16 Q. So not under Mr. Peivandi.</p> <p>17 And so during that leave, do you recall</p> <p>18 whether or not he still had access to any of his Road</p> <p>19 Commission access or his car, if he had a Road</p> <p>20 Commission car, or if he had access to anything -- was</p> <p>21 all of his access restricted, do you know that?</p> <p>22 A. I believe so, because at the time, the prior managing</p> <p>23 director requested I remove him from Sonitrol, as well</p> <p>24 as, if I'm not mistaken, we picked up his vehicle; he</p> <p>25 had a county vehicle.</p>

<p style="text-align: right;">Page 35</p> <p>1 Q. And was that a paid leave?</p> <p>2 A. If I recall, yes, it was.</p> <p>3 Q. And did Mr. Bennett return back to work?</p> <p>4 A. No, I do not believe he did.</p> <p>5 Q. Okay. And you stated that this was with the prior</p> <p>6 managing director; correct? Was this someone that was</p> <p>7 under your supervisory authority?</p> <p>8 A. The person that --</p> <p>9 Q. Mr. Bennett.</p> <p>10 A. No, Mr. Bennett was my boss at the time.</p> <p>11 Q. Oh, okay. So you just -- you were just aware of that?</p> <p>12 A. Correct, because I became interim Fleet Maintenance</p> <p>13 and Facilities director in his absence.</p> <p>14 Q. And during the time where Ms. Poplar, she -- when she</p> <p>15 returned from administrative leave, you stated that</p> <p>16 she reported to you; correct?</p> <p>17 A. Yes.</p> <p>18 Q. And was there ever an issue that came about regarding</p> <p>19 her personal leave time while she was on leave? So</p> <p>20 was she required to use any personal time while she --</p> <p>21 when she returned back from leave?</p> <p>22 So to clarify, she was on</p> <p>23 administrative leave, she was told to return back from</p> <p>24 that leave; and then she was asked to use personal</p> <p>25 time to cover some of her time while she was off. Can</p>	<p style="text-align: right;">Page 37</p> <p>1 A. I believe I was.</p> <p>2 Q. Okay. All right. And so at that time, according to</p> <p>3 the Board, she was supposed to return remotely; but</p> <p>4 just correct me if I'm wrong -- or clarify for me, she</p> <p>5 was locked out of her access while she was on</p> <p>6 administrative leave?</p> <p>7 A. Uh --</p> <p>8 Q. I'll rephrase.</p> <p>9 If she was locked out of all her</p> <p>10 access, Ms. Poplar wouldn't have been able to work</p> <p>11 remotely; correct?</p> <p>12 A. (No response).</p> <p>13 Q. So I'll help you. Earlier you stated that you were</p> <p>14 there when Ms. Poplar received her notice of</p> <p>15 administrative leave; correct?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And it was read to her; correct?</p> <p>18 A. I believe so, yes.</p> <p>19 Q. Okay. So I'll let you take a look at the pertinent --</p> <p>20 here.</p> <p>21 A. (Reviewing document).</p> <p>22 Q. Okay. So according to the Notice of Administrative</p> <p>23 Leave, did Ms. Poplar have access to work while she</p> <p>24 was on administrative leave?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 36</p> <p>1 you tell me about that situation?</p> <p>2 MR. CASCINI: I will put in an</p> <p>3 objection. Assumes facts not in evidence; call it</p> <p>4 foundation, I suppose.</p> <p>5 MS. LEE: Sure. I'll rephrase.</p> <p>6 Q. (BY MS. LEE) When Ms. Poplar returned from leave, you</p> <p>7 became her immediate supervisor. Ms. Poplar, do you</p> <p>8 remember when she returned to work?</p> <p>9 A. I don't recall exactly, no.</p> <p>10 Q. Okay. So did she request -- or did she have to put</p> <p>11 any personal time -- a better question. Did you send</p> <p>12 Ms. Poplar an e-mail stating that she would need to</p> <p>13 put in personal time to cover some of her time while</p> <p>14 she was out before returning from leave?</p> <p>15 A. If I recall correctly, and, again, I'm a little</p> <p>16 cloudy, I believe that, upon the order from the Board</p> <p>17 for her to return to work and her actually returning,</p> <p>18 there was some question and, therefore, personal leave</p> <p>19 would need to be used based on the Board's decision to</p> <p>20 return her to work.</p> <p>21 Q. Do you know whether she was asked to return remotely</p> <p>22 or report to work?</p> <p>23 A. I do not.</p> <p>24 Q. So were you -- did you take vacation or were you on</p> <p>25 leave during that time she was supposed to return?</p>	<p style="text-align: right;">Page 38</p> <p>1 Q. Okay. So she would not have been able to work</p> <p>2 remotely if asked to return to work remotely without</p> <p>3 access?</p> <p>4 A. Well, remotely, I mean, return somebody to work, so</p> <p>5 access to the building or anything else is as simple</p> <p>6 as making a few changes. So it's not like something</p> <p>7 that if I need to get somebody access right now, I</p> <p>8 could get it to them in five minutes, less than that.</p> <p>9 Q. So if she's asked to return remotely, she wouldn't a</p> <p>10 have a computer or anything to -- she had no access to</p> <p>11 the GCRC system?</p> <p>12 MR. CASCINI: Objection; assumes facts</p> <p>13 not in evidence.</p> <p>14 MS. LEE: Okay.</p> <p>15 Q. (BY MS. LEE) Did she have access to the GCRC system</p> <p>16 -- or did she have access to work remotely? I'll</p> <p>17 leave it like that.</p> <p>18 A. I don't know.</p> <p>19 Q. All right. Thank you. Do you remember having a</p> <p>20 meeting about -- or do you recall having a meeting on</p> <p>21 May 17th where Ms. Poplar requested to fill the HR</p> <p>22 administrative (sic) position?</p> <p>23 A. I do not.</p> <p>24 Q. Okay. Do you ever recall Ms. Poplar stating that you</p> <p>25 were violating her ADA accommodations?</p>

Page 39

1 A. She mentioned that numerous times, I believe.
2 Q. And do you recall ever chuckling and stating that Ms.
3 Poplar – do you ever recall laughing or chuckling at
4 Ms. Poplar's request to have an HR administrative
5 assistant while denying the request to fill the vacant
6 position?
7 A. Not that I recall, no.
8 Q. Do you remember a phone call on June 1st where Ms.
9 Poplar requested to fill the position -- to fill the
10 administrative assistant position?
11 A. Again, not that I -- my memory serves me, not that I
12 can recall.
13 Q. But you do recall that she asked several times for you
14 to fill the position?
15 A. Yes.
16 Q. And at all times that she requested you to fill the
17 position, you did let her know that you would not fill
18 the position; correct?
19 A. I said that, if I'm not mistaken, I said that you have
20 a benefits coordinator that is assisting you at this
21 time, and there has been nothing brought forth to say
22 that the person can't do the job.
23 Q. Do you ever recall responding to Ms. Poplar when she
24 asked you, one of these numerous times, to fill the HR
25 administrative position, that you would like an

Page 40

1 assistant, too?
2 A. I might have, yes.
3 MS. LEE: No further questions.
4 MR. CASCINI: Nothing from me.
5 (Deposition concluded at
6 3:40 p.m.)
7 (END OF RECORD)
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Page 41

1 STATE OF MICHIGAN)
2) ss.
3 COUNTY OF SHIAWASSEE)
4
5 I, Cynthia A. Lathrop, Court Reporter and
6 Notary Public in and for the above county and state, acting
7 in the County of Genesee, do hereby certify that the
8 foregoing deposition was taken before me at the time and
9 place hereinbefore set forth.
10 I further certify that said witness was by
11 me sworn in said cause and the testimony then given was
12 reported by me stenographically and subsequently
13 transcribed and that the foregoing is a full, true and
14 correct transcript of my original shorthand notes.
15 IN TESTIMONY WHEREOF, I set my hand and
16 notarial seal at Shiawassee County, Michigan, this 5th day
17 of August 2022.
18
19
20
21
22 Cynthia A. Lathrop (CSR-2474)
23 Notary Public in and for the
24 County of Shiawassee,
25 State of Michigan
My Commission Expires: 2/2/26